

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES C. DANIELS,

No. C 07-619 SI (pr)

Plaintiff,

ORDER OF DISMISSAL

v.

ALAMEDA COUNTY
SHERIFF'S DEPT.,

Defendants.

James C. Daniels, formerly an inmate at the Alameda County Jail, has filed a pro se civil rights action under 42 U.S.C. § 1983. His complaint is now before the court for review pursuant to 28 U.S.C. §1915A, which requires the court to engage in a preliminary screening of any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). In its review, the court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. See id. at 1915A(b)(1),(2). Pro se pleadings must be liberally construed. See Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990).

The complaint filed in this action duplicates the complaint filed on the same day in Daniels v. Alameda County Sheriff's Dept., No. C 07-618 SI. The complaint is frivolous because it repeats claims made in the earlier case. See Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995); Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988) (duplicative or

1 repetitious litigation of virtually identical causes of action is subject to dismissal under 28 U.S.C.
2 § 1915 as malicious). This action is dismissed with prejudice because it duplicates the claim
3 made in the earlier-filed action. The in forma pauperis application is DENIED. (Docket # 2.)
4 No fee is due. The clerk shall close the file.

5 IT IS SO ORDERED.

6 DATED: September 4, 2007



SUSAN ILLSTON
United States District Judge